

know my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

IN SUPPORT OF H.R. 241, THE
ACCESS ACT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2016

Mr. CALVERT. Mr. Speaker, I was pleased to have had the opportunity to testify today at the U.S. House Judiciary Committee, Subcommittee on Constitution and Civil Justice Hearing, "Examining Legislation to Promote the Effective Enforcement of the ADA's Public Accommodation Provisions."

As you know, the Americans with Disabilities Act is undoubtedly one of the most important pieces of civil rights legislation. We can all agree that providing all Americans with access to public accommodations is an invaluable legislative objective.

The purpose of the ADA is to ensure access for the disabled to public accommodation and provide appropriate remedial action for those who have suffered harm as a result of non-compliance. Although there are times when litigation by harmed individuals is necessary, there are an increasing number of lawsuits brought under the ADA that are based upon a desire to achieve financial settlements rather than to achieve the appropriate modifications for access. These lawsuits filed by serial litigants, often referred to as "drive-by lawsuits," place exorbitant legal fees on small businesses, and often times business owners are unaware of the specific nature of the allegations brought against them.

In early 2011, frivolous ADA lawsuits against small businesses reached an all-time high throughout California, and as a result, my good friend and colleague, former Congressman Dan Lungren (R-CA), championed the issue and introduced the original ACCESS Act (H.R. 3356) in the 112th Congress. I was pleased to have been afforded the opportunity to take over the legislation for reintroduction beginning in the 113th Congress. In January 2015, I reintroduced the legislation as H.R. 241, the ACCESS Act (ADA Compliance for Customer Entry to Stores and Services).

H.R. 241 is a cost-free and commonsense piece of legislation that would alleviate the financial burden small businesses are facing, while still fulfilling the purpose of the ADA. Any person aggrieved by a violation of the ADA would provide the owner or operator with a written notice of the violation, specific enough to allow such owner or operator to identify the barrier to their access. Within 60 days the owner or operator would be required to provide the aggrieved person with a description outlining improvements that would be made to address the barrier. The owner or operator would then have 120 days to make the improvement. The failure to meet any of these conditions would allow the lawsuit to go forward.

I think we can all agree that we must ensure that individuals with disabilities are afforded the same access and opportunities as those without disabilities. Frivolous lawsuits do not accomplish this goal. Allowing small business owners and cities alike to fix ADA violations

within 120 days, rather than waiting for lengthy legal battles to play out, is a more thoughtful, timely, and reasonable approach.

While the ADA is a national law, California has become ground zero for ADA violation lawsuits. In fact, California is home to more federal disability lawsuits than the next four states combined. A 2014 report determined that since 2005, more than 10,000 federal ADA lawsuits had been filed in the five states with the highest disabled populations; 7,188 of which were filed in California. Violating the ADA in California carries a minimum \$4,000 penalty in addition to the plaintiffs legal fees. As of 2014, according to the U.S. Census Bureau, 31 individuals made up at least 56 percent of federal disability lawsuits in California. As was mentioned during the second panel of today's hearing, California has 12 percent of the nation's disabled population, but accounts for over 40 percent of ADA lawsuits. Those figures and the real life toll it takes on small business owners, are why I introduced this legislation to allow for a "fix-it" period.

However, it is clear that this is not just a major problem in California. The introduction, in November 2015, of similar legislation by the gentleman from Texas, Representative TED POE, shows just that. His legislation authorizes a training and education component for the affected community and Certified Access Specialists, which I would welcome and embrace as an amendment to my bill.

This is also a bipartisan issue supported by states. I was pleased to see that California SB 269 passed unanimously in the State Assembly and Senate, and was signed into law by Governor Jerry Brown on May 10th, 2016. SB 269 was authored by a friend of mine, Democratic State Senator, Gen. Richard Roth. The legislation is similar to the ACCESS Act in that it allows businesses to take immediate steps to become accessible by providing them with 120 days, from receipt of a Certified Access Specialist report, to resolve any identified violations without being subject to litigation costs or statutory penalties. I worry that with California acting to curb these lawsuits, some of these serial litigants will try their trade in other states.

Without question, the ACCESS Act will ensure that the ADA is used for its true purpose of guaranteed accessibility to public accommodations for all Americans while eliminating abusive, costly and unnecessary lawsuits for small business owners.

It is more important than ever that the House of Representatives act to move this vital piece of legislation.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2016

Mr. FRELINGHUYSEN. Mr. Speaker, on Monday May 16, my return to Washington, D.C. was unavoidably delayed. As a result, I missed two recorded votes.

On Roll Call Vote Number 194, H.R. 4743—National Cybersecurity Preparedness Consortium Act;

On Roll Call Vote Number 195, H.R. 4407—Counterterrorism Advisory Board Act;

Had I been present, I would have voted Yes.

THE IMPORTANCE OF OUR
TECHNICAL COLLEGES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2016

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, the Committee on Education and the Workforce, under the leadership of Chairman JOHN KLINE held a hearing on the importance of reauthorizing the Carl D. Perkins Career and Technical Education Act.

This Act provides individuals with the necessary academic and technical tools to succeed in this skills-based jobs market. We should support our career and technical colleges that improve the lives of many hard-working Americans.

In South Carolina, we have sixteen remarkable technical colleges that have been successful in helping to create jobs throughout the state and particularly the Second Congressional District. Apprenticeship Carolina has been successful in creating more than 15,000 apprentices to date, partnering with businesses such as Michelin and Continental. Thank you to their Director Brad Neese and the South Carolina technical college presidents. A special congratulations to Dr. Forest Mahan, who was selected to be the fifth president of Aiken Technical College on Monday. Godspeed President Susan Winsor.

In conclusion, God Bless Our Troops and may the President by his actions never forget September 11th in the Global War on Terrorism.

TRIBUTE TO THE SUNSHINE CLUB

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the Sunshine Club for their 61st year of fellowship, service and support in central Iowa.

The Sunshine Club was founded in 1955 by three residents of the Morrisburg area, south of Panora, Iowa. The club's membership today has 22 members of various ages who reside in the areas of Panora, Stuart, Menlo, Dexter, Redfield and Casey. Its threefold purpose of service to their community, socializing and enjoying life is what brings them together. Club members now say that faith, friendship and food has kept the group together this long.

Mr. Speaker, I commend the Sunshine Club for making their communities in central Iowa a better place to live by their acts of service. I ask that my colleagues in the United States House of Representatives join me in congratulating the Sunshine Club and wishing them nothing but continued success.